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Docket No.: SON-2768
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Naoto Sasaki et al.

Application No.: 10/603,688

Confirmation No.: 2878

Filed: June 26, 2003

Art Unit: 2819

For: ELECTRONIC CIRCUIT APPARATUS AND
INTEGRATED CIRCUIT DEVICE

Examiner: L.T. Mai

REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT

MS Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent No. 6,911,844 issued on June 28, 2005 from the above-identified application, serial No. 10/603,688. Listed on U.S. Patent No. 6,911,844 is an indication of a patent term adjustment for an additional 49 days.

It is respectfully believed that this determination of the patent term adjustment being only 49 days has been made in error. Accordingly, this Request is proper. 37 C.F.R. §1.705(d).

Relevant dates for which an adjustment is sought

The sequence of events regarding the above-identified application is as follows:

- June 26, 2003 - Application was filed.

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- September 11, 2003 - Notice To File Missing Parts Of Nonprovisional Application was mailed.
- December 11, 2003 - Response to Notice To File Missing Parts Of Nonprovisional Application and one-month extension was filed.
- May 6, 2004 - Notice of Allowance and Fee(s) Due was mailed.
- June 10, 2004 - Amendment Under 37 C.F.R. 1.312 After Allowance And Before Payment Of The Issue Fee was filed.
- August 5, 2004 - Issue Fee Transmittal, Comments On Examiner's Statement Of Reasons For Allowance was filed.
- March 21, 2005 - Response to 312 Amendment was mailed.
- June 28, 2005 - Issuance of U.S. Patent No. 6,911,844.

Correct patent term adjustment to which patent is entitled and basis for adjustment

The issue fee was timely paid on August 5, 2004 by the Issue Fee Transmittal as the response to the Notice of Allowance and Fee(s) Due of May 6, 2004. But no issuance of U.S. Patent No. 6,911,844 had occurred until June 28, 2005.

The term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the U.S. Patent and Trademark Office to issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. §151 and all outstanding requirements were satisfied. 37 C.F.R. §1.702(a)(4). This period of adjustment includes the number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued. 37 C.F.R. §1.703(a)(6).

Here, the period of adjustment includes the number of days in the period beginning on December 5, 2004, which is four months after the date the issue fee was paid and all outstanding requirements were satisfied, and ending on June 28, 2005, which is the date that U.S. Patent No. 6,911,844 was issued. No other papers were filed after the issue fee payment date of August 5, 2004. Although a Response to 312 Amendment has been mailed on March 21, 2005, that Response is merely a confirmation that the Amendment Under 37 C.F.R. 1.312 After Allowance And Before Payment Of The Issue Fee of June 10, 2004, which had been filed prior to the payment of the issue fee, has been considered by the Examiner. Accordingly, this results in a 205-day period of adjustment.

The period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the a Notice or Action notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. 37 C.F.R. §1.704(b). This three-month period in 37 C.F.R. §1.704(b) applies to a Notice to File Missing Parts of Non-Provisional Application.

M.P.E.P. §2732.

Here, a Notice To File Missing Parts Of Nonprovisional Application was mailed on September 11, 2003. But within the three-month period after the mailing of the Notice, a Response to Notice To File Missing Parts Of Nonprovisional Application was filed on December 11, 2003 along with a one-month extension. As a result, it is believed that there is no reduction of the 205-day period of adjustment for the filing on December 11, 2003 of the Response to Notice To File Missing Parts Of Nonprovisional Application.

Accordingly, please adjust the original term of U.S. Patent No. 6,911,844 from an additional 49 days to an additional 205 days.

Terminal disclaimer

It is believed that U.S. Patent No. 6,911,844 is not subject to a terminal disclaimer or to any expiration date specified in a terminal disclaimer.

Fee

The Commissioner is authorized to charge the fee to Deposit Account No. 18-0013 in the amount of \$200.00, as set forth in 37 C.F.R. §1.18(e). See 37 C.F.R. §1.705.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: July 7, 2005

Respectfully submitted,

By _____

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